



LARGE SCALE RETAIL – PROPOSED CODE AMENDMENTS

PUBLIC HEARING REPORT

Tacoma Planning Commission Public Hearing
December 7, 2011

A. SUBJECT:

Proposed amendments to the City's zoning regulations relative to large scale retail uses, to create a discretionary permit review process for new large retail uses in most areas of the city where they are allowed and provide size limitations in some areas. Of note, the proposed regulations would be in effect throughout the City and are not specifically related to any one property, project, or site.

B. BACKGROUND:

This amendment is being proposed to better align Comprehensive Plan policy guidance with the Land Use Regulatory Code with respect to how the City regulates large scale retail businesses. This effort is the result of the Planning Commission and City Council's review under a six-month City-wide moratorium on large scale retail establishments enacted on August 30, 2011 (Ordinance No. 28014).

The City Council's direction through the moratorium process was to address the Comprehensive Plan policies and the concerns that were brought forward from the community during the first two months of the moratorium by identifying an appropriate regulatory path based on size limitations for retail uses. The City Council found that this narrow scope could be achieved by the moratorium expiration date of February 29, 2012.

C. LAND USE REGULATORY CODE AMENDMENT PROCESS:

In accordance with the adoption and amendment procedures in the Tacoma Municipal Code (Section 13.02.045), the following criteria are used by the Planning Commission in determining if a change in development regulations is warranted:

1. An obvious technical error exists in the pertinent Comprehensive Plan or regulatory code provisions;
2. Circumstances related to the proposed amendment have significantly changed, or a lack of change in circumstances, has occurred since the area or issue was last considered by the Planning Commission;
3. The needs of the City have changed which support an amendment;
4. The amendment is compatible with existing or planned land uses and the surrounding development pattern;
5. Growth and development, as envisioned in the Comprehensive Plan, is occurring faster, slower or is failing to materialize;
6. The capacity to provide adequate services is diminished or increased;
7. Plan objectives are not being met as specified, and/or the assumptions upon which the Plan is based are found to be invalid;
8. Transportation and/or other capital improvements are not being made as expected;
9. Substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification; or
10. A question of consistency exists among the elements of the Comprehensive Plan or between the Comprehensive Plan and RCW 36.70A (Growth Management Act), the *County-wide*

Planning Policies for Pierce County or multicounty planning policies, or the development regulations of the City.

The Planning Commission may also consider other factors including if additional information has become available since the development regulation was last adopted or amended.

Proposed amendments to development regulations are developed pursuant to the procedures of Chapter 13.02 of the Tacoma Municipal Code as described above. Staff, under direction of the Commission, conducts needed analysis and prepares the draft amendments for public review and comment.

Proposed amendments are subject to the requirements of the State Environmental Policy Act and the Growth Management Act. The amendments to the Land Use Regulatory Code receive detailed review by the Planning Commission and public hearing(s) are held to receive citizen comment. After further review, the Commission makes a recommendation to the City Council, which may include modifications to the draft amendments in response to public testimony, staff recommendations, and/or further review by the Commission. The Council will review the proposed amendments, as recommended by the Planning Commission, and hold a public hearing. The Council may adopt, decline to adopt, and/or make modifications to the recommended amendments.

D. SUMMARY OF PROPOSED AMENDMENTS:

Under the proposed revisions, retail uses larger than 45,000 square feet in the commercial and mixed-use districts and larger than 65,000 square feet in the industrial districts would only be allowed with approval of a Conditional Use Permit. The proposed conditional use permit process would include requirements for public notice, a pre-application community meeting, and a public hearing before a decision is made by the Hearing Examiner on the request. The purpose of this new permit requirement would be to provide opportunities for community input on future large-scale retail projects and to better ensure that these types of projects minimize their impact on surrounding areas and are developed consistent with the Comprehensive Plan.

The RCX – Residential-Commercial Mixed-Use District would also be revised to limit large scale retail development to 30,000 square feet in size per business and 45,000 square feet in size for full service grocery stores.

Copies of the complete text of the draft revisions, including maps where applicable, are available from the Community & Economic Development Department and at all branches of the Tacoma Public Library. The proposed revisions may also be viewed or downloaded from the Long-Range Planning Division website at www.cityoftacoma.org/planning (Click on “Large Scale Retail Moratorium”).

E. GENERAL INFORMATION:

1. Evaluation of Development Regulation Amendments

The proposed changes to the Land Use Regulatory Code were reviewed using factors contained in the Tacoma Municipal Code and as set forth in summary in Section C herein (see the project staff report, dated November 17, 2011). Other information was also used in the evaluation including state laws, City ordinances, comparison with other cities’ plans and ordinances and City Council direction.

2. Environmental Evaluation

Pursuant to WAC 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on November 17, 2011 (SEPA File Number SEP2011-

40000172738). This preliminary determination was made based upon a review of a completed environmental checklist. The City will reconsider the preliminary determination based on timely public comments regarding the checklist and determination that are received by December 9, 2011 and unless modified, the preliminary determination will become final on December 12, 2011.

3. Public Review Process

The proposed amendments to the Regulatory Code were presented to and discussed by the Planning Commission at their meetings, which are open to the public. The Commission reviewed the proposed changes and authorized the distribution of the proposed amendments for public review and comment on November 16, 2011.

The proposed amendment, including the complete text of the proposed changes (in strikeout and underlined format), a map depicting the areas of the city affected by the proposed regulations, and the staff report which analyzes the proposed amendments for consistency with the amendment criteria, were compiled into a single document (the "Public Review Document"). The document also included a copy of the environmental determination and completed checklist. This document was made available for public review at all branches of the public library and at the office of the Community and Economic Development Department. The document was also posted for review and download on the City's website (www.cityoftacoma.org/planning) and available in printed form upon request.

4. Notification

The notice of the Planning Commission's public hearing stated the time and place of the hearing, the purpose of the public hearing, information pertaining to the environmental determination, where and how additional information could be obtained and how to provide comments. Advertisement of the public hearing was published in *The News Tribune* on November 30, 2011.

The notice was distributed to approximately 6,500 stakeholders including taxpayers, as listed in the records of the Pierce County Assessor-Treasurer, located within and within 100 feet of the areas affected by the proposed changes, Neighborhood Council board members, other neighborhood groups, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, the Puyallup Tribal Nation, major employers and institutions, City and State departments, Joint Base Lewis-McChord, individuals who testified during the moratorium process, and other known interested individuals or groups.

The notice was posted on the Planning Division's website (www.cityoftacoma.org/planning), at all branches of the Tacoma Library, at the office of the Community and Economic Development Department, and on the public information bulletin boards on the first and second floors of the Tacoma Municipal Building.

F. COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT RECOMMENDATION:

Staff recommends that the Planning Commission accept all oral and written testimony and hold the record open until **5:00 p.m. on Friday, December 9, 2011** and that the Commission evaluate all testimony given at the public hearing and any written comments received as part of the record prior to making a recommendation to the City Council.